

## **REMARKS**

Claims 1-14 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **CLAIM OBJECTIONS**

Claims 5 and 8 have been objected to for certain informalities. Applicants have amended claims 5 and 8 according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of these objections are respectfully requested.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 11, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Park et al (U.S. Pat. No. 5872771). This rejection is respectfully traversed.

Claim 1 recites, "determining a first effective envelope associated with arriving traffic entering said network" and "determining a second effective envelope associated with admitted traffic currently in said network." Park does not disclose such a structure. The Examiner alleges that the language "switch 50 in the unit of a measuring interval and for measuring an average cell rate with respect to the entirety of the connections in the unit of an output link 60" discloses the recited structure. However, this is not analogous to determining a first envelope associated with arriving traffic and a second envelope associated with admitted traffic. In contrast, the measuring mechanism 40

determines a single value associated with traffic. Therefore, acceptance mechanism 20 is not "admitting traffic if the sum of the first and second effective envelopes is less than or equal to said service curve." Applicants respectfully submit that claim 1, as well as its corresponding dependent claims, should be in condition of allowance.

Claim 11 includes limitations analogous to claim 1, which Applicants believe to be allowable. Therefore, claim 11, as well as its corresponding dependent claims, should be in condition of allowance.

### **REJECTIONS UNDER 35 U.S.C. § 103**

Claims 2-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al (U.S. Pat. No. 5872771) in view of Liebeherr. Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al (U.S. Pat. No. 5872771) in view of Cruz. Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al (U.S. Pat. No. 5872771) in view of Cruz. Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al (U.S. Pat. No. 5872771) in view of Mo et al (U.S. Pat. No. 6693909). Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor (U.S. Pat. No. 5664170) in view of Park et al (U.S. Pat. No. 5872771). These rejections are respectfully traversed.

Claims 2-10 and claims 12-14 depend from independent claims 1 and 11, respectively. Applicants believe that claims 1 and 11 are allowable. Therefore, claims 2-10 and 12-14 should be in condition of allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated:

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By:

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